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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,147	02/17/2004	David Banks	112-0146US	2277

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HOUSTON, TX 77070

EXAMINER
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HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/780,147

Applicant(s)

BANKS ET AL.

Examiner

Kevin C. Harper

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 12-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 4, 10, 11 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments, filed October 23, 2006, with respect to claims 4 and 19 have been fully considered and are persuasive. The previous rejection has been withdrawn. It is noted that "storage communication" can be considered a type of communication (abstract, lines 1-3), although another type of communication is not disclosed in Hoese that would be restricted between the devices while allowing storage communication to take place.

Applicant's arguments with respect to claims 10-11 have been fully considered and are persuasive.

Applicant's remaining arguments have been fully considered but they are not persuasive.

1. Applicant argued that Hoese does not restrict communications. However, the network provides security and controlled access (para. 23, lines 1-6; para. 25, lines 1-6; note: each workstation can only access its own virtual storage). This method of communications is restrictive, though Examiner agrees Hoese does not disclose an active restriction such as blocking attempted communications in violation of the security or controlled access as mentioned in the specification of the present invention in para. 9 (though this detail of restricting communication is not present in the claims).
2. Applicant argued that Hoese does not restrict communications that are otherwise allowed. However, the devices (fig. 3, workstations and storage devices) could communicate if the security and access controls were not implemented (para. 19, lines 1-6; para. 20; para. 21, lines 1-4; para. 22).
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., there are no other configurations in the table) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Specifically, the first configuration is an effective one of several potential configurations that may occur in the network. The claim does not recite one of several potential configurations stored in a non-volatile medium or one of several actual configurations for controlling the network.

4. Applicant argued that device names are independent of location. The name (or address or identifier) of a device (or port) is given or assigned in Fibre Channel, not dependent on its location in the fabric. The addresses are flexibly assigned and can be assigned arbitrarily (para. 36, para. 41, lines 1-10; note: address change after a power cycle; para. 43, lines 1-5; note: change in loop configuration causes a change in the name (identifier); para. 43, lines 7-10; routers shipped with a preconfigured name (identifier); para. 43, last 4 lines; note: storage routers can assume any name (address)). It is noted that “location” in a broad context can be considered a physical position within the fabric, not just a logical position.

5. Applicant argued that Chin does not disclose merging two fabrics (loops). However, the loops have been merged by the bridge and devices on the two loops communicate with each other by way of the bridge. The logical connectivity of the devices is learned by the bridge (col. 9, lines 12-18).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5-9, 12-18 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoeser et al. (US 2002/0052986) in view of Chin et al. (US 6,000,020).

6. Regarding claims 1, 9, 14-15, 17-18, 22 and 24, Hoese discloses a method for logically organizing devices (para. 19, last three lines) in a system comprising a fabric and a bus (fig. 3, item 52), where devices (items 58 and 66-72) are coupled to the fabric by Fibre Channel connections and to the bus by SCSI connections, the devices otherwise being able to communicate through the fabric and bus (para. 19, lines 1-9). The method comprises compiling and accessing a definition of a first configuration including at least one zone (para. 25, lines 1-6), each zone including at least one device as a member of the zone (para. 28, lines 5-8; para. 47, line 5-13), and responsive to the definition of the first configuration, restricting communications between the devices coupled to the fabric and bus (para. 5, lines 7-12; para. 25, lines 3-6; para. 26, last six lines). Further regarding claim 15, the system includes a fabric element (fig. 3, items 56 and 52), comprising several ports, a storage medium for storing a first configuration, and a logic device (fig. 5, item 85) for restricting communications. Regarding claim 18, the method is implemented by a computer readable medium containing software (para. 31, last four lines).

7. However, Hoese does not disclose a fabric for the storage array (items 66-72). Chin discloses using a Fibre Channel fabric for storage arrays in place of a SCSI bus (col. 4, lines 42-45; fig. 1, items 10 and 26). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a first fabric between devices (items 58 and 66-72) in the invention of Hoese in order to provide a faster communication speed among the devices and to provide a higher number of storage devices (Chin, col. 4, lines 42-50).

8. Regarding claim 2, in Hoese several configurations are available (para. 47).

9. Regarding claims 3 and 16, in Hoese non-volatile memory is used (para. 35, lines 1-3 and last three lines).

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10. Regarding claims 5-8 and 20-21, in Hoese a device name (para. 41, lines 1-6; para. 32, lines 1-5; para. 25, lines 3-6) is independent of the device's location on the fabric and includes a Worldwide Port Name and Worldwide Node Name as standardized by Fibre Channel and an ALPA (para. 36, last four lines; para 41, last two lines).

11. Regarding claims 12, in Hoese an unknown fabric element is coupled to the fabric (para. 41, lines 1-7).

12. Regarding claims 13 and 23, Hoese does not disclose merging of two fabrics. Chin discloses merging of two fabrics (fig. 1, items 10, 26 and 28; col. 9, lines 12-18). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify a first configuration responsive to merging of two fabrics in the invention of Hoese in order to accommodate new topology of a network (Chin, col. 9, lines 12-18).

### ***Allowable Subject Matter***

13. Claims 4, 10-11 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at 571-272-7629. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is [kevin.harper@uspto.gov](mailto:kevin.harper@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

December 17, 2006